

Attorney's Docket No. 033794/239540

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ferranda
Appl. No.: 09/966,485
Filed: 09/28/2001
For: A PACKAGE, PARTICULARLY FOR
PACKING INDUSTRIAL PRODUCTS

Confirmation No.: 6459

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FEB 04 2004

OFFICE OF PETITIONS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF
ABANDONMENT IN ACCORDANCE WITH MPEP § 711.03(c)**

Sir:

As set forth in MPEP § 711.03(c), Applicant hereby petitions to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to the "Notice to File Missing Parts of Non-Provisional Application" mailed October 29, 2001. A copy of the United States Patent and Trademark Office's ("USPTO") Notice of Abandonment is enclosed. The following materials are submitted in support of Applicant's petition.

1. A copy of the USPTO's "Notice to File Missing Parts of Nonprovisional Application" (hereinafter "Notice") dated October 29, 2001. The documents requested to avoid abandonment were the oath or declaration and the \$130.00 surcharge.
2. A copy of our cover sheet "Response to Notice to File Missing Parts of Application" bearing a Certificate of first class mailing dated December 28, 2001 (within the two month time period for response to the Notice). The cover sheet indicates that the documents requested in the Notice were enclosed.
3. A second transmittal sheet "Submittal of Declaration" along with the two-page Declaration and Power of attorney properly signed and dated by the sole inventor.
4. A copy of the front and back of our firm's check for \$130.00, which bears the stamp of the USPTO dated January 29, 2002.
5. A copy of our firm's return receipt postcard indicating the documents were received in the Office of Initial Patent Examination on January 25, 2002.

On December 3, 2003, Applicant conferred with the Office of Initial Patent Examination ("OIPE") and was informed that the missing parts were still outstanding and that a Notice of Abandonment would be issued. In an effort to avoid the Notice of Abandonment being issued,

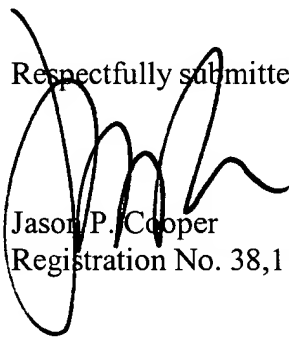
In re: Ferranda
Appl. No.: 09/966,485
Filed: September 28, 2001

Applicant faxed the missing documents along with a copy of our date-stamped proof of receipt postcard to the OIPE. Instead of the documents being entered, the OIPE charged our firm's deposit account another \$130.00 and then issued a Notice of Abandonment on December 16, 2003. A copy of the charge to our deposit account is enclosed.

In view of the foregoing remarks and the enclosed evidence indicating that Applicant properly and timely replied to the Notice of October 29, 2001, Applicant respectfully requests that the instant petition be granted and that the holding of abandonment of the application be withdrawn. Applicant further requests that our deposit account be credited \$130.00 for the duplicate charge for the reply to the Notice.

It is believed that the present petition is treated as a petition under 37 C.R.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our Deposit Account No. 16-0605.

Respectfully submitted,


Jason P. Cooper
Registration No. 38,114

Customer No. 00826
Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

<p>"Express Mail" Mailing Label Number _____</p> <p>Date of Deposit: _____</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner of Patents, Washington, DC 20231.</p> <p>_____</p>	<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on <u>11/27/2004</u></p> <p><u>Shirley Bungay</u></p>
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DEC 19 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/966,485	09/28/2001	Claudio Ferranda	33794/239540

CONFIRMATION NO. 6459

ABANDONMENT/TERMINATION
LETTER

OC000000011508707

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date Mailed: 12/16/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/29/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

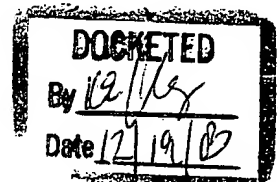
Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/966,485	09/28/2001	Claudio Ferranda	33794/239540

CONFIRMATION NO. 6459

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

FORMALITIES LETTER



OC000000006988776

Date Mailed: 10/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ferranda
Appl No.: 09/966,485
Filed: 09/28/2001
For: A PACKAGE, PARTICULARLY FOR
PACKING INDUSTRIAL PRODUCTS

Confirmation No.: 6459

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO
FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application dated October 29, 2001, enclosed are the following:

- ☒ Part 2 of Formalities Letter or Form PTO-1533
(Notice to File Missing Parts of Application)
- ☒ Declaration and Power of Attorney for the above-identified application which has been executed by the named inventor(s)
- ☐ Applicant claims small entity status
- ☒ Check in the amount of \$130.00 to cover the surcharge under 37 C.F.R. § 1.16(e)
- ☐ English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- ☐ Other:

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

Jason P. Cooper
Registration No. 38,114

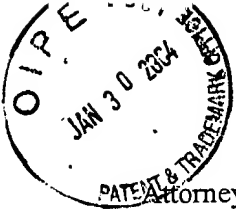
Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on December 28, 2001.

Sheila Bungcayao
CLT01/4512673v1



Attorney's Docket No. 33794/239540

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ferranda
Appl No.: 09/966,485
Filed: 09/28/2001
For: A PACKAGE, PARTICULARLY FOR
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OFFICE OF PETITIONS

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

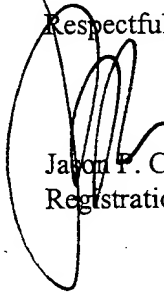
**SUBMITTAL OF DECLARATION
UNDER 37 C.F.R. § 1.63**

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified patent application that has been executed by the named inventors.

A check in the amount of \$130 is also enclosed to cover the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

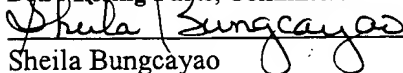

Jayon P. Cooper
Registration No. 38,114

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on December 28, 2001.


Sheila Bungcayao

CLT01/4512672v1

Commissioner For Patents
Washington, DC 20231

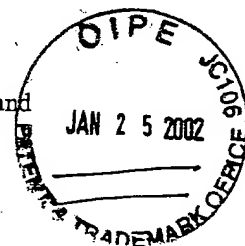
Date Mailed: 12/28/01
Atty. Dkt. No. 33794/239540

Application No. 09/966,485; Filing Date 09/28/01
Inventor(s): Ferranda; Title of Invention: A PACKAGE, PARTICULARLY
FOR PACKING INDUSTRIAL PRODUCTS

Documents Enclosed: Response to Notice to File Missing Parts; Part 2 - Copy
of Notice to File Missing Parts; Submittal of Declaration; Declaration

Check Enclosed \$130.00

Kindly acknowledge receipt by placing office stamp hereon and
returning postcard to: Sheila Bungcayao/JPC/3794-8
ALSTON & BIRD LLP

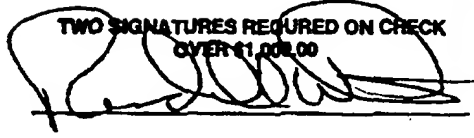


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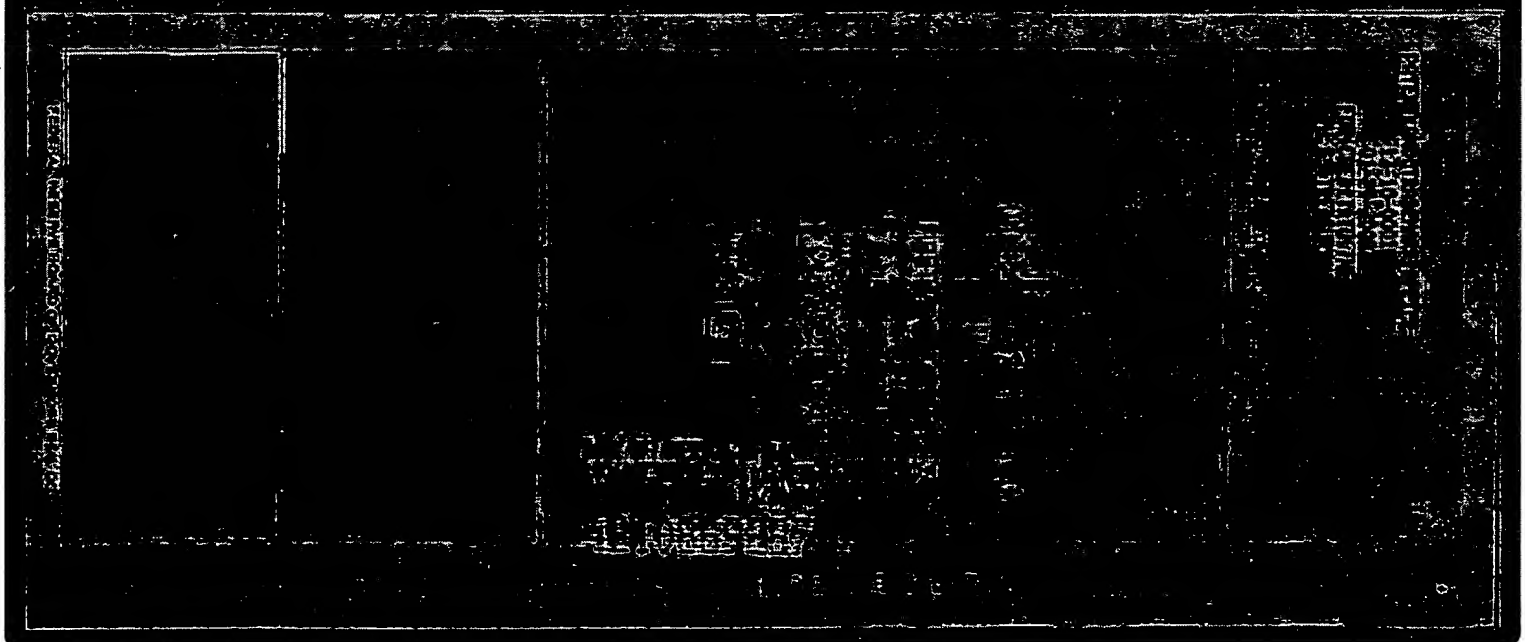


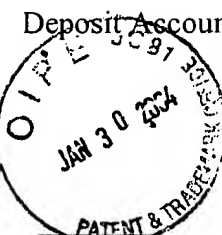
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Check Number: 0000018657
Issue Date:
Paid Date: 01/30/2002

THIS DOCUMENT HAS VISIBLE AND INVISIBLE FLUORESCENT FIBERS - VIEW UNDER BLACK LIGHT - TRUE WATERMARK IN PAPER - HOLD TO LIGHT TO VIEW

CHECK DATE 12/27/01	ALSTON & BIRD LLP 101 South Tryon Street Bank of America Plaza, Suite 4000 Charlotte, NC 28280-4000 F.E.L# 58-0137815	CHECK NO. 18657
Charlotte Business Account Bank of America Atlanta, Georgia		$\frac{84-6}{610}$ CHECK AMOUNT \$130.00
ONE HUNDRED THIRTY AND 00/100		TWO SIGNATURES REQUIRED ON CHECK OVER \$1,000.00 
PAY TO THE ORDER OF	Director-U.S. Patent and Trademark Office	

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United States Patent and Trademark Office

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Deposit Account Statement

Requested Statement Month: December 2003
 Deposit Account Number: 160605
 Name: ALSTON & BIRD LLP
 Attention: BANK OF AMERICA
 Address: 101 SOUTH TRYON STREET
 City: CHARLOTTE
 State: NC
 Zip: 28280-4000

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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Charge*

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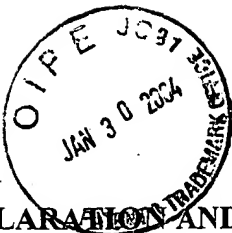
Total Records Found: 8

Start Date: Any Date

End Date: Any Date

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12/10/2003	00000187	<u>1</u>	<u>1051</u>	\$130.00	12/09/2003	DA 160605

put back



Attorney Docket No. 33794/239540

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
(Foreign Agent Involved) **RECEIVED**

FEB 04 2004

As a below named inventor, I hereby declare that:

OFFICE OF PETITIONS

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A PACKAGE, PARTICULARLY FOR PACKING INDUSTRIAL PRODUCTS,

the specification of which is attached hereto unless the following box is checked:

☒ was filed on September 28, 2001 as United States Application Number 09/966,485.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

<u>P10004645-0</u>	<u>Brazil</u>	<u>October 4, 2000</u>
(Number)	(Country)	(Day/Month/Year Filed)
_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
Yes	No

I hereby claim the benefits under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Number)

(Filing Date)

(Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C., § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Appln. Serial No.)	(Filing Date)	(Status --patented/pending/aban.)
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(Appln. Serial No.)	(Filing Date)	(Status --patented/pending/aban.)
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The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from my Brazilian representatives, Dannemann Siemsen Bigler & Ipanema Moreira, as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

Customer Number 00826

DIRECT ALL TELEPHONE CALLS TO: Jason P. Cooper
Registration No. 38,114
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first/sole inventor: Claudio Ferranda

Inventor's Signature: _____ Date: December 12, 2001

Residence: Horto Florestal, Brazil
Citizenship: Italy
Mailing Address: Rua do Horto n. 1358
02377-000 Horto Florestal - SP
BRAZIL